

Care of Churches and Ecclesiastical Jurisdiction Measure 1991

Faculty Jurisdiction Rules 2000

Petition for Faculty

This commentary is to help you to complete the petition. It is numbered to match the page or section in the petition. Please tear off this page and refer to it as you complete the petition.

Page 1 **Details of petitioners**

If there is no minister, two churchwardens may be petitioners. One churchwarden and the secretary of the parochial church council may be petitioners but not usually one churchwarden alone. A local authority or other body may be a petitioner when appropriate.

Page 2 **Schedule of works or proposals**

This needs to be carefully completed as instructed because the Faculty will follow the wording used.

Page 3 **Questions**

Time spent on answering the questions in accordance with the instructions will assist the processing of your petition.

Section (A) **Information about your church**

If the secretary to your Diocesan Advisory Committee or the Diocesan Registrar has a database containing information about churches in your diocese you may be provided with a petition with the answers to *questions 1, 2, 3(a), 4, 5 and 6* already completed. Alternatively, such information should be given to you on request. If there is no such database, then on the first occasion when you complete this section you should collect the necessary information from your parish records, the secretary of the Diocesan Advisory Committee and/or the local planning authority and then *keep a photocopy of this section* for use on future occasions. In question 3(b), a Statement of Significance means a short document which summarizes the historical development of the church and identifies the important features that make major contributions to the character of your church. Such information can be drawn from a church guide or handbook, but this may need to be supplemented or updated. The Statement will be of permanent value as an information base both within the parish and the diocese. Further guidance can be found in the Rule Committee's booklet *Making Changes to a Listed Church*.

Section (B) **Changes to the interior and/or exterior of the church**

A Statement of Needs is a written document agreed by the parochial church council (which will be responsible for meeting the cost of the proposed changes). It is required whether the church is listed or not. It should set out the reasons why it is considered that the needs of the parish cannot be met without making the proposed significant changes (e.g. removing pews) and why the changes are regarded as necessary to assist the church in its worship and mission. For listed churches please refer to *Making Changes to a Listed Church*.

Section (C) **Partial demolition or demolition**

If this section is applicable, you should ask the church's architect or surveyor to help you complete it.

Section (D) **Financial information**

The information under *question 10* is required to help the Chancellor or Archdeacon to decide whether there should be a condition in the Faculty as to phasing of work to match the timing of the availability of funds or as to when the work may commence. Because grant making bodies usually attach conditions to grants for repairs or other work, the information under *questions 11 to 13* is required to ensure that the Faculty is consistent with the terms of any grant. In *question 11(a)* 'a grant in the past' should be treated as referring to a grant within a period of 10 years prior to the petition unless you know that the terms of an earlier grant apply to the work now proposed.

Section (E) Permissions from other bodies

A Faculty cannot override the requirements of general legislation, so it is necessary to have answers to these questions. Your answer to *question 17(b)* may not reflect the view of the Diocesan Advisory Committee. Seeking advice from English Nature may therefore be a sensible precaution.

Section (F) Archaeological matters

If this section is applicable, you should ask the church's architect or surveyor to help you complete it.

Section (G) Consultation for works of alteration to the exterior or interior of a listed church

For guidance on consultation with some or all of the bodies listed, and their addresses, you should refer to *Making Changes to a Listed Church* and to the guide *The National Amenity Societies: Their Role in the Conservation of Anglican Churches*.

Section (H) Church insurance

Nearly all work affects the security of the building, which is the reason for the information requested in *questions 21 and 22*. Some sad cases of accidental injury to volunteers have necessitated the protection of the parochial church council against a claim for damages and this is the reason for *question 23*.

Section (I) Introducing new articles into the church (e.g. furniture, furnishing, fixture or fitting)

If this section is applicable you should ask the contractor or the church's architect or surveyor to help you with the answer to *question 24(b) and (c)*.

Section (J) Disposal of any item in or belonging to the church

The method of disposal (e.g. sale, gift, loan, destruction, etc.) should be considered by the parochial church council so that you are able to answer this section in full.

Section (K) Seats in the church

This section only applies where there are private rights conferred by a statute or formal grant.

Section (L) Work to the chancel

The Church Commissioners should be able to tell you whether there is a Lay Rector.

Section (M) Work affecting monuments, etc. in the church

The information in *question 28(b)* is important because it may need to be attached to the public notice or any advertisement directed by the chancellor so as to give proper publicity to the proposals.

Section (N) New memorial in the church

Question 29(b) is a reminder that memorials will only be permitted in special cases and that the parochial church council has to address the merit of any proposal.

Section (O) Details of contractors

This information is required both for the record and so that the petitioners can be advised if there is any doubt about the competence of the named contractor(s) to carry out the proposed work.

Section (P) Time for work

This is required to enable an appropriate period of time for completion of the work to be included in the Faculty.

Section (Q) Work in a churchyard or burial ground

The Diocesan Registrar should be able to help you with the answer to *question 33(e)*. The local planning authority should be consulted in respect of *question 33(b)*.

Section (R) Archdeacon's licence

You should submit this petition *not later than two months before the expiry of the period* in the licence.

Section (S) PCC resolution

Where an emergency Faculty is sought, the petition may be submitted before holding a meeting of the parochial church council, provided it is supported by a resolution of the standing committee.

Signatures of the petitioners

These must be hand-written and not typed.

Copies of the booklets referred to above can be obtained from the Secretary to the Rule Committee, Legal Office, Church House, Great Smith Street, London SW1P 3NZ.

Care of Churches and Ecclesiastical Jurisdiction Measure 1991 Faculty Jurisdiction Rules 2000

Petition for Faculty

To the Consistory Court of the Diocese of _____

Church of _____

in the Parish of _____

We:

*FULL NAME	*RESIDENTIAL ADDRESS (including postcode)	*OFFICE HELD

**Please use capital letters. Usually the minister and churchwardens should be the petitioners.*

Please indicate here which of the above should be regarded as the contact address. (Telephone and fax number would also be helpful.)

Petition as follows:

We seek a Faculty to authorize the following:

Please set out clearly in numbered paragraphs what you seek permission to do, using wording on the Diocesan Advisory Committee certificate (if one has been obtained), and including the number and date on the architect's or surveyor's drawing[s] and specification[s] where relevant.

SCHEDULE OF WORKS OR PROPOSALS

Copies of the drawings, plans, specifications, photographs or other documents showing the proposals which were considered by the Diocesan Advisory Committee should be provided with this petition.

Guidance Notes

(Please read before answering the following questions.)

1. Although this petition is detailed, it is important to provide full information about your proposal so that it can be dealt with as promptly as possible. Please ensure that you have answered all the relevant questions either on the petition or on an accompanying piece of paper.
2. **Sections A, D, E, O, P, S and T should be answered in every case. The remaining sections should only be answered if applicable.**
3. Please tick boxes as appropriate. *If you cannot fit an answer conveniently into the space provided please use a separate piece of paper and attach it to this petition.* A checklist of documents is provided at the end of the petition for your assistance.

Questions

(A) Information about your church

Please answer this section in every case

1. What is the approximate date of your church or the part of the building affected by the proposals?
2. Is your church a listed building? Yes No
3. (a) If yes, please state whether it is Grade I, II* or II (or A,B or C in some lists) and
(b) Has the PCC prepared a Statement of Significance? Yes No
4. Is the site of the church, or any adjoining structure, wholly or partially scheduled as an ancient monument? Yes No
5. Is the church situated in:
(a) a conservation area? Yes No
(If yes, please provide the name.)

- (b) a National Park? Yes No
6. (a) Who is the architect or surveyor appointed for the church under the Inspection of Churches Measure 1955?
_____ Yes No
(b) Has this architect or surveyor been:
(a) engaged in connection with the proposals Yes No
(b) asked for general advice in relation to these proposals? Yes No

7. If another architect or surveyor is being engaged –

(a) what are his/her name and address?

(b) why is he/she being instructed in relation to the proposed works?

(B) Changes to the interior and/or the exterior of the church

Please answer this section if applicable. Otherwise proceed to the next section.

8. (a) If such changes are proposed has the PCC prepared a Statement of Needs? Yes No

(b) If the answer to (a) is yes, please supply a copy of the Statement with this petition.

(c) If the answer to (a) is no, what are the reasons for asking for permission for the proposals? (Please supply separate explanatory statement if more space is required.)

(C) Partial demolition or demolition

Please answer this section if applicable. Otherwise proceed to the next section.

9. (a) Is the whole or any part of the church to be demolished? Yes No

(b) If yes, please state how much is to be demolished (identifying a part or parts).

(c) Is the demolition necessary to enable repairs or alterations to the church? Yes No

(d) Is it intended to reconstruct the part to be demolished? Yes No

(e) If the answer to (c) and (d) is no, what is the reason for the proposed demolition?

(f) If the answer to (d) is yes, will the reconstructed part be greater in extent than the part or parts to be demolished? Yes No

If yes, how much larger will it be?

- (g) Will the demolition affect the use of the church for worship? Yes No

If yes, what alternative arrangements are proposed?

(D) Financial information

Please answer this section in every case.

10. (a) What is the estimated cost of the proposed works?

- (b) Who has estimated this cost?

- (c) Are the proposals to be **wholly** paid for privately or by way of gifts?

Yes No

- (d) If the answer to question 10(c) is no, how are the proposals to be paid for? (Please give figures in the boxes below.)

From:

- (i) the PCC's current balance of general funds?

- (ii) a special appeal?

- (iii) a gift or legacy?

- (iv) other grant making bodies?

11. (a) Has the church received a grant in the past from English Heritage, the Heritage Lottery Fund or any other grant making body? Yes No

- (b) If yes, what is the name of the body?

- (c) Do the terms of that grant require you to seek consent for the work proposed in this petition? Yes No

- (d) If yes, please provide a copy of the letter[s] of consent for the work proposed in this petition.

12. (a) Has the PCC applied for a grant in respect of the present proposals to English Heritage, the Heritage Lottery Fund or other grant making body? Yes No

- (b) If yes, what is the name of the body?

13. (a) If the answer to question 12(a) is yes, have you received an offer of a grant and, if so, for how much? Yes No

- (b) If yes, please provide a copy of the grant letter.

- (c) If an application has not been determined or has been refused, please provide most recent correspondence.

(E) Permissions from other bodies

Please answer this section in every case.

14. (a) Are any external works to the building proposed? Yes No
- (b) If yes, have you consulted the local planning authority as to whether planning permission is required? Yes No
- (c) Did the local planning authority confirm in writing that planning permission was not required? Yes No
15. (a) If you have been advised that planning permission is required, has outline or detailed planning permission been granted? Yes No
- (b) Please attach a copy of the planning permission, if any, to this petition.
16. (a) If any of the proposals affect a scheduled ancient monument has scheduled monument consent been obtained? Yes No
- (b) If yes, please attach a copy of the consent.
17. (a) Do bats use any part of the church? Yes No
- (b) If yes, do you or your architect think that the works or proposals might harm or disturb bats or their roosts? Yes No
- (c) If the answer to question 17(b) is yes, have you obtained advice from English Nature? Yes No
- (d) Please attach a copy of the letter of advice.

(F) Archaeological matters

Please answer this section if applicable. Otherwise proceed to the next section.

18. (a) Have you been advised that the proposals may have archaeological significance? Yes No
- (b) Has a desk based archaeological assessment been carried out in relation to the proposals? Yes No
- (c) Is an archaeologist to be involved and to be given facilities for inspection and recording during the course of the works of excavation or works to the fabric? Yes No
- (d) If the answer to (c) is yes, please give the name and address of the archaeologist.

(G) Consultations for works of alteration to the exterior or interior of a listed church

Please answer this section if applicable. Otherwise proceed to the next section.

19. (a) Have you consulted English Heritage? Yes No
- (b) Have you consulted any of the following National Amenity Societies?
- The Council for British Archaeology Yes No
- The Ancient Monuments Society Yes No
- Society for the Protection of Ancient Buildings Yes No
- The Georgian Group Yes No
- The Victorian Society Yes No
- The Twentieth Century Society Yes No
- (c) If the answer to any of the above is yes, please attach copies of correspondence giving the views of English Heritage and each amenity society concerned.
20. (a) Have you consulted the Local Planning Authority? Yes No
- (b) If yes, please attach correspondence giving its views.

(H) Church insurance

Please answer this section for any work to or in the church.

21. Have you informed the church's insurance company that work is to be carried out in the church? Yes No
22. If the answer to question 21 is yes, please supply a copy of the insurer's approval or a letter of reply.
23. (a) Is the work or part of the work to be carried out by voluntary labour? Yes No
- (b) If yes, has the PCC taken out insurance to protect voluntary labour against the risk of injury during the course of the work? Yes No

(I) Introducing new articles into the church (e.g. furniture, furnishing, fixture or fitting)

Please answer this section if applicable. Otherwise proceed to the next section.

24. (a) Is it proposed to introduce any new article? Yes No
- (b) If yes, will it be attached to the fabric? Yes No
- (c) If the answer to (b) is yes, please give a short description of the method by which the article will be attached to the fabric.
- _____
- _____
- (d) Will the new article to be introduced replace an existing one? Yes No

(J) Disposal of any item in or belonging to the church

Please answer this section if applicable. Otherwise proceed to the next section.

25. (a) Is the disposal of any item in or belonging to the church contemplated? Yes No
- (b) If yes, please identify item[s] if not already described in the Schedule in this petition.
- _____
- _____
- (c) How is it proposed to dispose of any item[s]?
- _____
- _____
- (d) Has a professional valuation been obtained? (If yes, please supply a copy of the valuation and a good quality photograph of the item.) Yes No
- (e) If the answer to (d) is no, what is the petitioners' estimate of the value of the item?
- (f) What do the petitioners wish to be authorized to do with any proceeds of the sale?
- _____
- _____

(K) Seats in the church

Please answer this section if applicable. Otherwise proceed to the next section.

26. (a) Are any private rights in seats in the church likely to be affected by the works? Yes No
- (b) If yes, have the owners consented? (Please supply copies of letters of consent.) Yes No

(L) Work to the chancel

Please answer this section if applicable. Otherwise proceed to the next section.

27. (a) Is work to the chancel proposed? Yes No
- (b) Is there a Lay Rector? Yes No
If yes, please give name[s]

- (c) If yes, has the Lay Rector been informed of the work? Yes No
- (d) Is the Lay Rector intending to contribute to the cost? Yes No

(M) Work affecting monuments, etc. in the church

Please answer this section if applicable. Otherwise proceed to the next section.

28. (a) Will the work affect any graves, monuments or inscriptions in the church? Yes No
- (b) If yes, please provide a list on a separate sheet of paper giving details of the type of memorial and the inscriptions on each memorial which will be affected.
- (c) If yes, have the descendants of the person[s] commemorated consented? Yes No
- (d) If the descendants have not been found what have you done to try to find them?

(N) New memorial in the church

Please answer this section if applicable. Otherwise proceed to the next section.

29. (a) Is it proposed to introduce a commemorative plaque, additional inscription to an existing memorial, or other memorial into the church? Yes No
- (b) If yes, please specify what special contribution the person to be commemorated has made to the life of the church, the local or wider community.

- (c) If not included in the Schedule of works or proposals at the beginning of this petition, please set out here or on an accompanying sheet of paper the wording of the proposed memorial.

(O) Details of contractors

Please answer this section when you wish to carry out work of any kind.

30. Please give the name and address of each contractor to be employed for the different aspects of the works (e.g. builder, electrician, stained glass artist, organ builder, etc.).

Contractor 1	Contractor 2	Contractor 3
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(P) Time for work

Please answer this section in every case.

31. (a) How soon will work start after the Faculty is granted?

- (b) How long is it anticipated that it will take for the work to be completed?

32. (a) Will it be necessary to hold public worship in another building whilst the work is being carried out? Yes No
- (b) If yes, has the bishop consented to alternative arrangements for public worship? Yes No

(Q) Work in a churchyard or burial ground

Please answer this section if applicable. Otherwise proceed to the next section.

33. (a) Is the land in question consecrated? Yes No
- (b) Is the land in question wholly or partly scheduled as an ancient monument? Yes No
- (c) Has any part of the land on which the works will take place ever been used for burials? Yes No
- (d) Is any part of the churchyard or other land still being used for burials? Yes No

(e) If the churchyard is no longer in use, has it been closed by Order-in-Council? Yes No

(If yes, what is the date of closure?)

Date

(f) Will any graves, reserved grave spaces, monuments or inscriptions be interfered with? Yes No

(i) How will they be dealt with?

(ii) To what extent do the owners consent and on what terms?

(iii) If the owners have not been found, what efforts have been made to find them?

(Note: In dealing with this question the consent of known near relatives should be sought as if they were owners.)

(g) (i) Will there be interference with a grave containing a burial made between 1914 and 1947? If so, what is the name of the deceased and the date of burial?

(ii) Will there be interference with a memorial commemorating a death between 1914 and 1947? If so, what is the name of the person commemorated and the date of burial?

(iii) If the answer to (i) or (ii) is yes, does the Commonwealth War Graves Commission identify the grave as a war grave and consent to the work?

Yes No

(Please attach a letter of consent.)

(h) Is any monument which may be affected by the proposals separately listed under the Planning (Listed Buildings and Conservation Area) Act 1990?

Yes No

(R) Archdeacon's licence

Please answer this section if applicable. Otherwise proceed to the next section.

34. (a) Has the archdeacon granted a licence authorizing temporary reordering? Yes No

(b) If yes, please attach a copy.

(S) PCC resolution

Please answer this section in every case.

35. The Parochial Church Council at its meeting on _____ passed unanimously/without dissent/by a majority of _____ to _____ (*please delete as appropriate*) among those present and voting, a resolution relating to the works or proposals. A copy of such resolution signed by the Chairman/Secretary is attached to this petition. There are _____ members of the Council.

(T) The Diocesan Advisory Committee

36. A certificate from the Committee accompanies this petition. Yes No

(U) Further information

37. If there is any further information that the petitioners would like the Court to take into account, details should be set out in an accompanying statement or letter.

The statements in this petition and the answers to the questions above are true to the best of the knowledge and belief of each one of us.

(Signatures of petitioners)

Date _____

Please use the following checklist to ensure that all the relevant documentation is enclosed with the petition. If this is not done the petition may have to be returned to you for completion thus causing delay.

Checklist of supporting documentation

Have you attached the following documents? Please tick those that are relevant to your proposal:

Question	Details	Yes	To Follow	N/A
Schedule	Details of proposals and copies of drawings, plans, specifications or other documents.			
Q.3(b)	Statement of Significance.			
Q.8(a)	Statement of Needs.			
Q.11(d)	English Heritage, Heritage Lottery Fund, etc. letter of consent.			
Qs.13(b) & (c)	English Heritage, Heritage Lottery Fund, etc. grant letter.			
Q.15(b)	Planning permission.			
Q.16(b)	Scheduled monument consent.			
Q.17(d)	Letter from English Nature.			
Q.19(c)	Correspondence with English Heritage and/or amenity societies.			
Q.20(b)	Correspondence with Local Planning Authority.			
Q.22	Approval letter from insurers.			
Q.25(d)	Professional valuation and good quality photograph of item for disposal.			
Q.26(b)	Letter[s] of consent regarding private rights in seats in the church.			
Q.33(g)(iii)	Letter of consent from the Commonwealth War Graves Commission.			
Q.34(b)	Archdeacon's licence authorizing temporary reordering.			
Q.35	PCC Resolution[s].			
Q.36	Diocesan Advisory Committee certificate.			

Note: Although not referred to in the petition please remember to include a copy of the **public notice** in respect of the work or other proposals in this petition.

For use by Chancellor/Archdeacon only

Let the Public Notice be displayed (if not previously displayed in accordance with the Faculty Jurisdiction Rules 2000).

Subject to the receipt of the Public Notice with completed Certificate of Publication and if no objection has been received, let a Faculty be issued [until further Order][on condition that:]

[and] subject to the works or proposals being completed within _____ months of the issue of the Faculty [_____ months of the commencement of the works or proposals] or within such extended time as may be allowed.

Signature _____

For use by Chancellor/Archdeacon only

Notes

Notes